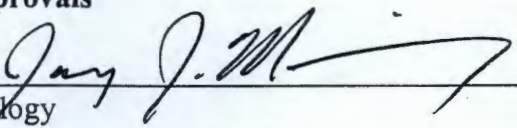

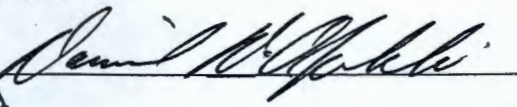


<b>Change Number</b> M-91-08-05	<b>Federal Facility Agreement and Consent Order</b> <b>Change Control Form</b> Do not use blue ink. Type or print using black ink.	<b>Date</b> August 4, 2009
<b>Originator</b> Matt McCormick		<b>Phone</b> (509) 373-9971
<b>Class of Change</b> <input checked="" type="checkbox"/> I – Signatories <input type="checkbox"/> II – Executive Manager <input type="checkbox"/> III – Project Manager		
<b>Change Title</b> Modification of Hanford Federal Facility Agreement and Consent Order (HFFACO) M-91 Interim Milestones		
<b>Description/Justification of Change</b> DOE has submitted this change request to reach agreement on adjustments in workscope and milestones consistent with available funding for FY09 and with a shift of resources to the river corridor and other high priority work. This shift of resources is expected to require modification of several M-91 interim milestone requirements.  The Parties will continue to work together per HFFACO Article, XLVIII. Cost Schedule, Scope, Integration, Planning and Reporting to establish due dates for the milestones that are being identified in this change package with to be determined due dates.  The proposed changes provide for reduced levels of waste retrieval and treatment for a period of five years. The agencies will negotiate a new schedule for completion of this work in the fall of 2009.		
<div style="border: 2px solid black; padding: 5px; display: inline-block; transform: rotate(-2deg);"> <b>RECEIVED</b>  <b>AUG 13 2009</b>  <b>EDMC</b> </div>		
<b>Impact of Change</b> This change aligns the impacted milestone requirements with 2009 Continuing Resolution funding levels.		
<b>Affected Documents</b> The Hanford Federal Facility Agreement and Consent Order, as amended and Hanford Site internal planning management, and budget documents (e.g., USDOE contractor Baseline Change Control documents; M-91-03 Hanford Site TRU mixed/mixed low level waste Project Management Plan, and LDR Report).		
<b>Approvals</b>		
Ecology 	8/11/09 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
DOE-RL 	8/10/09 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved
JPA 	8/11/09 Date	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved



Modifications to existing Tri-Party Agreement milestones are denoted with ~~strikeout~~; new milestone/text are denoted with **shading**.

M-091-00	<p>COMPLETE THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, STORAGE, AND TREATMENT/PROCESSING, OF ALL HANFORD SITE RCRA MIXED AND SUSPECT MIXED LOW-LEVEL WASTE AND RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE.</p> <p>DEFINITIONS</p> <p>THE FOLLOWING DEFINITIONS APPLY TO THIS SERIES OF MILESTONES</p> <p>"SMALL CONTAINERS" AND LARGE CONTAINERS" AS USED HEREIN HAVE DIFFERENT MEANINGS DEPENDING ON WHETHER THEY ARE USED IN REFERENCE TO MLLW/LLW OR TRANSURANIC WASTE.</p> <p>WHEN REFERRING TO MLLW/LLW, SMALL CONTAINERS ARE CONTAINERS LESS THAN 10 CUBIC METERS, INCLUDING 55 GALLON DRUMS. A LARGE CONTAINER IS ANYTHING NOT DEFINED AS A SMALL CONTAINER.</p> <p>WHEN REFERRING TO TRANSURANIC WASTE, SMALL CONTAINERS ARE 55 GALLON DRUMS OR SMALLER CONTAINERS EVEN IF OVER-PACKED IN 85 GALLON DRUMS, AND NEWLY GENERATED WIPP STANDARD WASTE BOXES (SWB). A WIPP SWB IS A 1.8 CUBIC METER STEEL CONTAINER THAT IS APPROXIMATELY 0.94 METERS IN HEIGHT, 1.8 METERS IN LENGTH, AND 1.4 METERS IN WIDTH AND WAS QUALIFIED BY THE U.S. DEPARTMENT OF ENERGY (USDOE) IN 1988 AS MEETING THE U.S. DEPARTMENT OF TRANSPORTATION REQUIREMENTS FOR SPECIFICATION 7A TYPE A PACKAGINGS. A LARGE CONTAINER IS ANYTHING NOT DEFINED AS A SMALL CONTAINER.</p> <p>"CERTIFICATION" AS USED HEREIN IS DEFINED AS COMPLETION OF ALL ACTIVITIES <del>REQUIRED FOR APPROVAL IN THE WIPP WASTE INFORMATION SYSTEM FOR ACCEPTANCE INTO WIPP FOR DISPOSAL</del> NECESSARY FOR WASTE TO BE <b>PACKAGED SUCH THAT IT CAN MEET WIPP WASTE ACCEPTANCE CRITERIA (WAC). IF SUBSEQUENT WIPP CERTIFICATION REVEALS THE WASTE CANNOT BE SHIPPED TO WIPP THIS WASTE WILL NOT COUNT TOWARDS MEETING THE MILESTONE VOLUME REQUIREMENTS (AND WILL BE</b></p>	To Be Determined*
----------	---	-------------------



SUBTRACTED FROM MEETING SUCH REQUIREMENTS) UNTIL SUCH TIME AS IT HAS BEEN DETERMINED TO MEET WIPP WASTE ACCEPTANCE CRITERIA, IT HAS BEEN SHIPPED TO IDAHO SUBJECT TO THE SENTENCE BELOW, OR IT HAS OTHERWISE BEEN TREATED TO MEET LDR REQUIREMENTS. TRANSURANIC (TRU) WASTE SHIPPED TO IDAHO MAY ALSO COUNT TOWARD CERTIFICATION BASED UPON ACTUAL SHIPMENT TO IDAHO AND CONTINGENT UPON THE WASTE NOT RETURNING TO THE HANFORD SITE.

"DESIGNATION" AS USED HEREIN IS DEFINED AS THE PROCESS FOR DETERMINING: (1) WHICH CONTAINERS OF LOW-LEVEL WASTE ARE MLLW; AND, (2) WHICH CONTAINERS OF TRANSURANIC WASTE ARE MIXED TRANSURANIC WASTE (CH-TRUM OR RH-TRUM). DESIGNATION OF WASTE WILL BE PERFORMED PURSUANT TO WAC 173-303-070 THROUGH 100. THESE REGULATIONS ALLOW THE USE OF "ACCEPTABLE KNOWLEDGE," SURROGATE SAMPLING AND OTHER MEASURES FOR DESIGNATION TO MINIMIZE WORKERS' RADIATION EXPOSURE AND TO REDUCE COSTS. WHERE APPLICABLE, DOE INTENDS TO USE INFORMATION GATHERED THROUGH THE CERTIFICATION OF TRANSURANIC WASTE IN SUPPORT OF ITS DESIGNATION OF RELATED LOW-LEVEL WASTE STREAMS. WHERE APPROPRIATE, DOE WILL USE MEASURES ALLOWED UNDER STATE AND FEDERAL REGULATIONS TO PERFORM ACCURATE AND COST EFFECTIVE DESIGNATIONS OF LOW-LEVEL WASTE.

"LOW-LEVEL WASTE" AS USED HEREIN IS DEFINED AS RADIOACTIVE WASTE THAT IS NOT SPENT FUEL, HIGH-LEVEL WASTE, TRANSURANIC WASTE, BYPRODUCT MATERIAL, OR NATURALLY OCCURRING RADIOACTIVE MATERIAL. LOW-LEVEL WASTE INCLUDES BOTH "MIXED LOW-LEVEL WASTE" AND "NON-MIXED LOW-LEVEL WASTE." "MIXED LOW-LEVEL WASTE" (MLLW) IS LOW-LEVEL WASTE THAT IS SUBJECT TO RCRA OR 70.105 RCW. "NON-MIXED LOW-LEVEL WASTE" (LLW) IS LOW-LEVEL WASTE THAT IS NOT SUBJECT TO RCRA OR 70.105 RCW. LLW AND MLLW CAN BE CONTACT-HANDLED (CH), I.E., CH-LLW OR CH-MLLW, OR REMOTE-HANDLED (RH), I.E., RH-LLW OR RH-MLLW.

"CONTACT HANDLED" (CH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE LESS THAN OR EQUAL TO 200 MILLIREM PER HOUR.

"REMOTE HANDLED" (RH) WASTE IS A WASTE PACKAGE WITH A SURFACE DOSE RATE GREATER THAN 200 MILLIREM PER HOUR.

"RETRIEVABLY STORED WASTE" (RSW) AS USED HEREIN IS



DEFINED AS WASTE THAT IS OR WAS BELIEVED TO BE CONTAMINATED WITH SIGNIFICANT CONCENTRATIONS OF TRANSURANIC ISOTOPES WHEN IT WAS PLACED IN THE 218-W-4B, 218-W-4C, 218-W-3A AND 218-E-12B BURIAL GROUND TRENCHES AFTER MAY 6, 1970. DURING THE RETRIEVAL PROCESS, CONTAINERS OF RSW WILL BE SEGREGATED INTO TWO CATEGORIES: (1) CH RSW AND (2) RH RSW. SUBSEQUENT ANALYSIS AND CATEGORIZATION OF RSW PURSUANT TO CH. 70.105 RCW, THE ATOMIC ENERGY ACT, AND THE WIPP LAND WITHDRAWAL ACT WILL RESULT IN MOST OR ALL OF THIS WASTE BEING CLASSIFIED AS ONE OF THE FOLLOWING TYPES OF WASTE: CH-LLW, RH-LLW, CH-MLLW, RH-MLLW, CH-TRU, CH-TRUM, RH-TRU OR RH-TRUM. RSW DOES NOT INCLUDE WASTE IN CONTAINERS THAT HAVE DETERIORATED TO THE POINT THAT THEY CANNOT BE RETRIEVED AND STABILIZED (E.G. PLACED IN OVERPACKS) IN A MANNER THAT WOULD ALLOW THEM TO BE TRANSPORTED AND DESIGNATED WITHOUT POSING SIGNIFICANT RISKS TO WORKERS, THE PUBLIC OR THE ENVIRONMENT. WITH RESPECT TO ANY SUCH CONTAINERS, AND WITH RESPECT TO ANY RELEASE OF RSW, THE DECISION AS TO HOW TO MOVE FORWARD WILL BE DETERMINED THROUGH THE CLEANUP PROCESS SET FORTH IN RCRA, CH. 70.105 RCW, AND/OR CERCLA AS APPROPRIATE. THOSE PROCESSES MAY RESULT IN ADDITIONAL REQUIREMENTS FOR THE REMEDIATION OF SUCH WASTES.

"CAISSON WASTE" AS USED HEREIN IS DEFINED AS RSW IN THE 218-W-4B BURIAL GROUND CAISSONS ALPHA-1 THROUGH ALPHA-4.

"TRANSURANIC WASTE" AS USED HEREIN IS DEFINED AS WASTE THAT MEETS THE DEFINITION IN SUBSECTION (18) OF SECTION 2 OF THE WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT, PUB. L. 102-579. TRANSURANIC WASTE INCLUDES BOTH MIXED TRANSURANIC (TRUM) WASTE AND NON-MIXED TRANSURANIC (TRU) WASTE, AND COMPRISES THE FOLLOWING CATEGORIES: CH-TRU, CH-TRUM, RH-TRU, AND RH-TRUM.

"RETRIEVAL OF CH RSW" IS DEFINED AS UNCOVERING CH WASTES WITHIN DOE'S RSW TRENCHES, REMOVING SUCH CH WASTES FROM THE TRENCHES, AND TRANSFERRING THE WASTE TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL UNIT, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL UNIT THAT DOE DETERMINES IS APPROPRIATE.

"RETRIEVAL OF RH RSW" IS DEFINED AS UNCOVERING RH



WASTES WITHIN DOE'S RSW TRENCHES AND CAISSONS, REMOVING SUCH RH WASTES FROM THE TRENCHES AND CAISSONS, TRANSFERRING THE WASTE TO A PERMITTED AND COMPLIANT TREATMENT, STORAGE OR DISPOSAL UNIT, THE ENVIRONMENTAL RESTORATION AND DISPOSAL FACILITY (ERDF) OR FOR WASTE DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS NON-MIXED TO A STORAGE OR DISPOSAL UNIT THAT DOE DETERMINES IS APPROPRIATE.

TO PROVIDE FURTHER CLARIFICATION OF HOW VOLUMES SHOULD BE DETERMINED IN DIFFERENT M-91 CONTEXTS, AND TO BE CONSISTENT WITH THE VOLUMES OF WASTE LISTED IN THE HANFORD SITE SOLID WASTE INVENTORY TRACKING SYSTEM (SWITS), THE FOLLOWING DESCRIPTIONS ARE PROVIDED:

- VOLUMES FOR THE PURPOSES OF DETERMINING AMOUNTS RETRIEVED SHALL BE BASED ON THE VOLUME OF THE ORIGINAL CONTAINERS IN RETRIEVABLE STORAGE. FOR EXAMPLE, THE VOLUME OF A 55 GALLON RSW DRUM THAT WOULD BE COUNTED TOWARD "RETRIEVAL" WOULD BE 55 GALLONS (.208 CUBIC METERS), EVEN IF IN THE PROCESS OF RETRIEVAL THE DRUM NEEDED TO BE OVER-PACKED INTO AN 85 GALLON DRUM.
- THE VOLUME OF MLLW "TREATED" WILL BE COUNTED AS THE RETRIEVAL VOLUME (FOR RSW) OR THE MLLW PRE-TREATMENT CONTAINER VOLUME (FOR NEWLY GENERATED AND STORED WASTE).
- THE VOLUME OF TRANSURANIC WASTE COUNTED AS "CERTIFIED" WILL BE THE VOLUME OF THE CERTIFIED CONTAINER CONTAINING THE WASTE UNLESS THE WASTE IS COMPACTED. IN THE EVENT THAT THE WASTE IS COMPACTED, THE VOLUME OF THE PRE-COMPACTION CONTAINER WILL BE COUNTED.

NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF RCRA MIXED AND SUSPECT MIXED TRANSURANIC WASTE APPLY AS SET FORTH IN THE SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.

\*NOTE: THE M-91 SERIES MILESTONES (INCLUDING THIS NOTE) DO NOT INCLUDE ANY REQUIREMENTS TO ESTABLISH SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM.



	SCHEDULES FOR THE MANAGEMENT OF PRE-1971 TRU/TRUM WILL BE ESTABLISHED, PURSUANT TO APPLICABLE PROVISIONS OF THE HFFACO OTHER THAN THE M-91 SERIES MILESTONES, FOLLOWING THE ISSUANCE OF OPERABLE UNIT RECORDS OF DECISION (RODS).	
M-091-01	<p>COMPLETE THE ACQUISITION OF CAPABILITIES AND/OR ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES, AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR RETRIEVAL, DESIGNATION, STORAGE, AND TREATMENT/PROCESSING PRIOR TO DISPOSAL OF ALL HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN LARGE CONTAINERS, AND SUSPECT TRUM IN LARGE CONTAINERS.</p> <p>NOTE: THE REQUIREMENTS OF THIS MILESTONE WITH REGARD TO COMPLETING THE ACQUISITION OF NEW FACILITIES, MODIFICATION OF EXISTING FACILITIES AND/OR MODIFICATION OF PLANNED FACILITIES NECESSARY FOR TREATMENT/PROCESSING OF HANFORD SITE POST 1970 RH TRUM AND SUSPECT RH TRUM, TRUM IN LARGE CONTAINERS, AND SUSPECT TRUM IN LARGE CONTAINERS APPLY AS SET FORTH IN THE SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.</p>	<p>06/30/2012 TBD per M-091-45</p>
M-091-03	<p>SUBMIT REVISION OF THE HANFORD SITE TRUM AND MIXED LOW-LEVEL WASTE PROJECT MANAGEMENT PLAN (PMP) TO ECOLOGY PURSUANT TO, AND IN COMPLIANCE WITH THE REQUIREMENTS OF AGREEMENT SECTION 11.5. REVISIONS OF THE PMP SHALL ADDRESS RCRA MIXED AND SUSPECT MIXED TRANSURANIC AND LOW LEVEL WASTE AND WILL CONSIDER AND EXPRESSLY EVALUATE THE IMPACT ON M-91 RETRIEVAL, TREATMENT AND PROCESSING CAPABILITIES, THAT MAY RESULT FROM RETRIEVAL, TREATMENT AND/OR PROCESSING OF ANY OTHER TRANSURANIC OR SUSPECT TRANSURANIC WASTE INCLUDING BUT NOT LIMITED TO OFF-SITE TRANSURANIC WASTE AND HANFORD SITE TRANSURANIC WASTE GENERATED AFTER 1/1/03.</p> <p>ANNUAL REVISIONS OF THE PMP WILL BE SUBMITTED ON JUNE 30 EVERY YEAR STARTING IN 2008 AND CONTINUING UNTIL THE M-91 MILESTONES ARE COMPLETED. THE PMP REVISIONS SHALL INCLUDE PLANS AND SCHEDULES TO MEET ALL THE REQUIREMENTS SET FORTH IN THE M-91 MILESTONE SERIES. EACH REVISION OF THE M-91-03 PMP SHALL, UPON APPROVAL BY ECOLOGY, SUPERSEDE PREVIOUS M-91-03 PMPS. EACH REVISION IS A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THIS AGREEMENT.</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIV E TEXT OF THIS MILESTONE</p>



	<p>THE PMP WILL INCLUDE A DESCRIPTION OF COMPLETED AND SCHEDULED WORK RELATING TO RH WASTE AND LARGE CONTAINERS OF RH AND CH WASTE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE M-91 MILESTONE SERIES. THE PMP WILL DOCUMENT WORK COMPLETED DURING THE PREVIOUS FEDERAL FISCAL YEAR AND WORK SCHEDULED FOR THE COMING FISCAL YEAR. THE PMP SHALL IDENTIFY BY CITATION ALL PUBLICLY AVAILABLE REPORTS DESCRIBING PERTINENT PROJECT ISSUES AND ACCOMPLISHMENTS, AND SHALL IDENTIFY ANTICIPATED PROJECTS FOR THE COMING YEAR.</p> <p>WITH RESPECT TO RH TRUM, RH SUSPECT TRUM AND MIXED WASTE AND TRUM, SUSPECT TRUM, AND MIXED WASTE IN LARGE CONTAINERS, THE PMP SUBMITTED YEARLY WILL SPECIFICALLY INCLUDE AT LEAST ONE MEASURABLE ACTION(S) TO BE TAKEN BY DOE TO ACQUIRE CAPABILITIES TO MANAGE SUCH WASTES.</p> <p>THE PMP SUBMITTED ON 12/31/2003 WILL NOT BE REQUIRED TO CONTAIN PLANS AND SCHEDULES FOR THE LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED FOR IN M-91-42 AND M-91-44) OF TRUM WASTE. DOE SHALL REVISE THE PMP TO INCLUDE PLANS AND SCHEDULES FOR LDR TREATMENT (OR CERTIFICATION IN LIEU OF SUCH TREATMENT AS PROVIDED IN M-91-42 AND M-91-44) OF TRUM WASTE BY 12/28/06.</p> <p>PMP REVISIONS WILL BE SUBMITTED TO ECOLOGY FOR REVIEW AND APPROVAL AS PRIMARY DOCUMENTS PURSUANT TO AGREEMENT ACTION PLAN SECTION 9.2.1. DOE SHALL IMPLEMENT THE PLAN AS APPROVED.</p> <p>NOTE: WITH RESPECT TO PMP REVISIONS, THE REQUIREMENTS OF THIS MILESTONE CONCERNING PMP REVISIONS TO ADDRESS TRUM SHALL APPLY AS SET FORTH IN THE ACCOMPANYING SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.</p>	
M-091-40	<p>REGARDING THE RETRIEVAL AND DESIGNATION OF CONTACT-HANDLED (CH) RETRIEVABLY STORED WASTE (RSW) AND TREATMENT OF SUCH WASTES DESIGNATED AS MIXED TO MEET APPLICABLE FEDERAL AND STATE LAND DISPOSAL RESTRICTION (LDR) STANDARDS (ALL CH RSW WASTE REGARDLESS OF PACKAGE SIZE):</p> <ol style="list-style-type: none"> <li>DOE SHALL RETRIEVE ALL CH-RSW WITHIN BURIAL GROUNDS 218-W-4C, 218-W-4B, 218-W-3A, AND 218-E-12B BY DECEMBER 31, 2010. IN ACHIEVING THIS RETRIEVAL</li> </ol>	DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE



REQUIREMENT, DOE SHALL FIRST INITIATE RETRIEVAL AT ITS BURIAL GROUND 218-W-4C NO LATER THAN NOVEMBER 15, 2003, AND SHALL RETRIEVE RSW AT THE FOLLOWING RATES :

- 1,200 CUBIC METERS (CUMULATIVE) BY 12/31/04,
  - 2,700 CUBIC METERS (CUMULATIVE) BY 12/31/05,
  - 4,700 CUBIC METERS (CUMULATIVE) BY 12/31/06,
  - 7,200 CUBIC METERS (CUMULATIVE) BY 12/31/07,
  - 9,700 CUBIC METERS (CUMULATIVE) BY 12/31/08,
  - TARGET DATE 12,200 9,950 CUBIC METERS (CUMULATIVE) BY 12/31/09 9/30/09,
  - TARGET DATE 10,700 CUBIC METERS (CUMULATIVE) BY 09/30/10,
  - TARGET DATE 1000 CUBIC METERS PER YEAR UNTIL COMPLETED.
- COMPLETE RETRIEVAL OF CH-RSW BY 12/31/2010 DATE TO BE DETERMINED PER M-091-45.

CONCURRENT RETRIEVAL ACTIONS CAN BE CONDUCTED IN MULTIPLE BURIAL GROUNDS. IF SPECIFIC LARGE CONTAINERS CANNOT BE REMOVED FROM A TRENCH WITHIN 60 DAYS OF BEING EXPOSED DOE SHALL NOTIFY ECOLOGY WITHIN THE 60 DAY PERIOD. ECOLOGY WILL INSPECT THE CONTAINER AND IMPOSE SPECIFIC CONDITIONS FOR THAT WASTE CONTAINER TO PREVENT RELEASES TO THE ENVIRONMENT. IN DETERMINING SUCH CONDITIONS ECOLOGY WILL CONSIDER AMONG OTHER FACTORS; WHETHER THE WASTE CONTAINER HAS BEEN INSPECTED AND FOUND TO BE INTACT AND NOT POSING A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT (OR RE-PACKAGED TO PREVENT RELEASE TO THE ENVIRONMENT) AND EXISTING DOCUMENTATION CONCERNING THE PRESENCE OF FREE LIQUIDS.

2. AS RSW RETRIEVAL PROCEEDS, DOE SHALL SAMPLE AND ANALYZE TRENCH SUBSTRATES WITH THE PURPOSES OF DETERMINING WHETHER OR NOT RELEASES OF CONTAMINANTS TO THE ENVIRONMENT HAVE OCCURRED, AND, IF SO, THE NATURE AND EXTENT OF CONTAMINATION.

SUCH SAMPLING AND ANALYSIS SHALL BE IN ACCORDANCE WITH ECOLOGY APPROVED SAMPLING AND ANALYSIS PLANS (SAP). THE SAP WILL BE DEVELOPED USING A DQO PROCESS TO ESTABLISH SAMPLING REQUIREMENTS FOR SAMPLING OF BURIAL GROUND VENT RISERS AND SUBSTRATE SOILS. ECOLOGY APPROVED THE 218-W-4C SAP SEPTEMBER 12, 2003, THE 218-E-12B SAP JANUARY 20, 2005, THE 218-W-3A SAP JUNE



15, 2006, AND THE 218-W-4B SAP JULY 25, 2006. DOE WILL IMPLEMENT APPROVED SAPS, AS A REQUIREMENT OF THIS MILESTONE, DURING RETRIEVAL OF ALL RSW.

THE RESULTS OF BURIAL GROUND VENT AND SUBSTRATE SAMPLING AND ANALYSIS PURSUANT TO APPROVED SAPS SHALL BE SUBMITTED TO ECOLOGY BY LETTER REPORTS QUARTERLY. SUCH REPORTS SHALL DOCUMENT RESULTS AND METHODOLOGIES, SHALL ASSESS RESULTS AGAINST REGULATORY REQUIREMENTS, SHALL INCLUDE A DESCRIPTION (OR DESCRIPTIONS) OF DOCUMENTED CONTAMINANT RELEASES TO THE ENVIRONMENT, AND SHALL DESCRIBE PLANNED AND/OR SCHEDULED ADDITIONAL WORK.

3. WITHIN 90 DAYS OF RETRIEVAL, DOE SHALL DESIGNATE ALL CH RSW RETRIEVED FROM THE RSW TRENCHES PURSUANT TO WAC 173-303-070 THROUGH 100, OR SHALL SPECIFICALLY IDENTIFY INDIVIDUAL LARGE CONTAINERS THAT CANNOT BE DESIGNATED BASED ON AVAILABLE PROCESS KNOWLEDGE. FOR THE LARGE CONTAINERS DETERMINED TO BE LOW-LEVEL WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008. FOR LARGE CONTAINERS DETERMINED TO BE TRANSURANIC WASTE THAT CANNOT BE DESIGNATED BASED ON THE AVAILABLE PROCESS KNOWLEDGE, DOE SHALL DESIGNATE SAID WASTE ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY ~~DATE DECEMBER 31, 2012~~ TO BE DETERMINED PER M-091-45.
4. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE LOW LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-42(2) AND M-91-43(3).
5. IN REGARD TO THE CARBON TETRACHLORIDE VAPOR PLUME IN THE VADOSE ZONE IN THE VICINITY OF TRENCH 4 IN BURIAL GROUND 218-W-4C, DOE SHALL:
  - START VAPOR EXTRACTION BY NOVEMBER 15, 2003, TO REDUCE CARBON TETRACHLORIDE VAPORS.
  - START RETRIEVAL IN TRENCH 4 BY JANUARY 15, 2004
  - COMPLETE RETRIEVAL OF TRENCH 4 BY DECEMBER



31, 2006. (WITH THE EXCEPTION OF THOSE LARGE CONTAINERS THAT THE PARTIES HAVE AGREED, IN WRITING, MAY BE RETRIEVED OUT OF SEQUENCE.)

RETRIEVAL WILL CONTINUE IN TRENCH 4 UNTIL IT IS COMPLETE. VAPOR EXTRACTION AND RETRIEVAL OPERATIONS IN TRENCH 4 WILL BE INTEGRATED BY DOE TO MINIMIZE POTENTIAL WORKER EXPOSURE TO CARBON TETRACHLORIDE VAPORS, AND TO MITIGATE ANY POSSIBLE RELEASES OF CARBON TETRACHLORIDE FROM TRENCH 4 CONTAINERS.

6. FOR ALL RETRIEVED CH-RSW DETERMINED TO BE TRANSURANIC WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN COMPLIANCE WITH THE SCHEDULE IN M-91-42(4) AND M-91-44(3). DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

NOTE: THE REQUIREMENTS OF ITEM 6 OF THIS MILESTONE APPLY AS SET FORTH IN THE SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.

7. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.

M-091-41	REGARDING THE RETRIEVAL AND DESIGNATION OF REMOTE HANDLED (RH) RSW (ALL RSW RH WASTE REGARDLESS OF PACKAGE SIZE, INCLUDING THE 200 AREA CAISSONS), AND LDR TREATMENT OF SUCH WASTES DETERMINED TO BE MIXED.	DUE DATES AS INDICATED IN THE DESCRIPTIV
----------	---	--



	<p>1. DOE SHALL INITIATE FULL SCALE RETRIEVAL OF RH RSW BY <del>TARGET DATE</del> JANUARY 1, 2011. RETRIEVAL OF NON-CAISSON RH RSW SHALL BE COMPLETED BY DECEMBER 31, 2014. RETRIEVAL OF THE 200 AREA CAISSONS RH RSW IN THE 218-W-4B BURIAL GROUND SHALL BE COMPLETED BY DECEMBER 31, 2018.</p> <p>2. DOE SHALL DESIGNATE ALL RETRIEVED RH RSW PURSUANT TO WAC 173-303-070 THROUGH 100, WITHIN 90 DAYS OF RETRIEVAL.</p> <p>3. FOR ALL RETRIEVED RH-RSW DETERMINED TO BE LOW-LEVEL WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTE TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-43(3).</p> <p>4. FOR ALL RETRIEVED RH-RSW DETERMINED TO BE TRANSURANIC WASTE AND DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100, AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS IN ACCORDANCE WITH THE SCHEDULE PROVIDED IN MILESTONE M-91-44(3). DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF SUCH WASTES FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP.</p> <p>NOTE: THE REQUIREMENTS OF ITEM 4 OF THIS MILESTONE APPLY AS SET FORTH IN THE SETTLEMENT AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.</p> <p>5. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	<p>E TEXT OF THIS MILESTONE</p>
M-091-42	<p>REGARDING SMALL CONTAINERS OF: (1) NEWLY GENERATED CH WASTE; AND (2) CH RSW; AND (3) CH WASTE CURRENTLY IN ABOVE-GROUND STORAGE.</p> <p>1. DOE SHALL DESIGNATE ALL NEWLY GENERATED CH WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS</p>



303-070 THROUGH 100.

MILESTONE

2. THERE WERE 5,066 CUBIC METERS OF CH-MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07) THAT HAD NOT BEEN TREATED TO MEET LDR REQUIREMENTS. (THIS VOLUME DOES NOT INCLUDE 600 CUBIC METERS OF WASTE REQUIRING THERMAL TREATMENT, AS THAT WASTE HAS SEPARATE TREATMENT REQUIREMENTS PER M-91-12 AND M-91-12A). APPROXIMATELY 4422 CUBIC METERS OF MLLW SUBJECT TO M-91-42 WAS TREATED BETWEEN 12/31/02 AND 12/31/05. DOE'S 2002 LDR REPORT ESTIMATED GENERATION OF AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 330 CUBIC METERS OF CH-MLLW (AS WASTE TYPES IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-02 THROUGH MLLW-10, EXCLUDING MLLW-07). IT WAS ALSO ESTIMATED IN 2002 THAT DOE WOULD RETRIEVE APPROXIMATELY 800 CUBIC METERS OF CH-MLLW BY 2010. BASED ON THE CY2005 LDR SUMMARY REPORT AS OF 12/31/05 FOR MLLW SUBJECT TO M-91-42, THERE WERE APPROXIMATELY 2100 CUBIC METERS IN PERMITTED STORAGE, AND 280 CUBIC METERS FORECAST TO BE GENERATED BY THE END OF CY2009.

ACCORDING TO THE M-91-PMP (HNF-19169 REV 2)  
APPROXIMATELY 2550 CUBIC METERS OF M-91-42 MLLW WAS EXPECTED TO BE RETRIEVED BETWEEN 12/31/05 AND 12/31/09. IN ADDITION TO MEETING THE REQUIREMENTS OF M-91-12 AND M-91-12A, DOE SHALL TREAT THE WASTE DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON A SCHEDULE MEETING, AT MINIMUM, THE FOLLOWING CUMULATIVE TOTALS BASED ON A START DATE OF 12/31/02:

- A. 1630 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/04,
- B. 3260 CUBIC METERS BY (CUMULATIVE) SHALL BE TREATED BY 12/31/05,
- C. 4890 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/06,
- D. 6520 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/07,
- E. 7,220 CUBIC METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/08, AND
- F. TARGET DATE 7,600 METERS (CUMULATIVE) SHALL BE TREATED BY 12/31/09, AND



**5. COMPLETE TREATMENT OF ALL CH-MLLW (5066 CUBIC METERS IN STORAGE AS OF 12/31/02 AS DESCRIBED ABOVE, AND RETRIEVED CH-MLLW AND NEWLY GENERATED CH-MLLW IN THE TREATABILITY GROUPS DESCRIBED ABOVE, AS OF 6/30/09), BY 12/31/09 DATE TO BE DETERMINED PER M-091-45**

IF CH-MLLW IN THE TREATABILITY GROUPS SUBJECT TO THIS MILESTONE GENERATED DURING THE PERIOD FROM 12/31/02 THROUGH 6/30/09 IS TREATED TO LDR STANDARDS PRIOR TO DELIVERY TO STORAGE OR DISPOSAL, THE ORIGINAL PRE-TREATMENT VOLUME OF THAT WASTE SHALL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE AS OF 12/31/02, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. RSW DETERMINED TO BE MLLW IN THE TREATABILITY GROUPS COVERED BY THIS MILESTONE WILL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE WHEN TREATED.

IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-MLLW COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

3. AFTER JUNE 30, 2009, DOE SHALL TREAT TO MEET LDR TREATMENT REQUIREMENTS ALL SMALL CONTAINERS OF NEWLY GENERATED CH-MLLW CONTAINING LDR CONSTITUENTS IN COMPLIANCE WITH WAC 173-303-140.
4. THERE ARE APPROXIMATELY 440 CUBIC METERS OF CH-TRUM IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02. DOE'S CY 2002 LDR REPORT ESTIMATES THAT IT WILL GENERATE AN ADDITIONAL ANNUAL VOLUME OF APPROXIMATELY 220 CUBIC METERS OF CH-TRUM AND DOE ESTIMATES THEY WILL RETRIEVE APPROXIMATELY 1600 CUBIC METERS OF CH-TRUM BY 2010. CONSIDERING THESE ESTIMATES AND THE CONSIDERABLE UNCERTAINTY ASSOCIATED WITH THEM DOE SHALL TREAT THE WASTE CATEGORIES DESCRIBED ABOVE TO MEET LDR REQUIREMENTS ON THE



## FOLLOWING SCHEDULE:

- 700 CUBIC METERS BY 12/31/04;
- 1,800 CUBIC METERS (CUMULATIVE) BY 12/31/05;
- 3,000 CUBIC METERS (CUMULATIVE) BY 12/31/06;
- ~~4,200 CUBIC METERS (CUMULATIVE) BY 12/31/07;~~
- 600 CUBIC METERS BETWEEN 10/1/2007 AND 9/30/2008;
- ~~TARGET DATE 2007~~ 6,600 CUBIC METERS (CUMULATIVE) BY 12/31/09 9/30/09;
- ~~TARGET DATE 2007~~ 7,600 CUBIC METERS (CUMULATIVE) BY 12/31/10 9/30/10;
- ~~8,600 CUBIC METERS (CUMULATIVE) BY 12/31/11~~ CUBIC METER VOLUME TO BE DETERMINED PER M-091-45

IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS LOWER THAN THE ESTIMATED VOLUMES ANTICIPATED BY THESE MILESTONES DOE WILL ONLY BE REQUIRED TO TREAT THE VOLUME OF WASTE GENERATED, RETRIEVED AND/OR IN STORAGE. IF THE ACTUAL VOLUME OF NEWLY GENERATED OR RETRIEVED CH-TRUM COVERED BY THIS MILESTONE IS SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES THE PARTIES' MAY AGREE TO REVISE THESE REQUIREMENTS.

5. FOR CH TRANSURANIC WASTE NEWLY GENERATED ON OR AFTER 7/1/11 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH 100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT SUCH WASTES TO MEET LDR REQUIREMENTS PURSUANT TO WAC 173-303-140 WITHIN ONE YEAR OF GENERATION.

DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN THIS MILESTONE FOR ANY GIVEN YEAR BY CERTIFYING CH TRU OR CH TRUM, PROVIDED THAT ALL CH TRUM IN PERMITTED STORAGE AS OF 7/1/11 IS TREATED TO MEET LDR REQUIREMENTS OR IS CERTIFIED BY ~~DATE TO BE DETERMINED PER M-091-45~~ 12/31/2011.

NOTE: THE REQUIREMENTS OF ITEMS 4 AND 5 OF THIS MILESTONE APPLY AS SET FORTH IN THE SETTLEMENT



	<p>AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.</p> <p>NOTE: IN THE EVENT THAT ITEMS 4 OR 5 BECOME APPLICABLE, AMOUNTS OF CH TRUM CERTIFIED BETWEEN 12/31/02 AND THE DATE ON WHICH ITEMS 4 OR 5 BECOME APPLICABLE SHALL COUNT TOWARDS SATISFACTION OF THE OBLIGATIONS IN ITEMS 4 AND 5.</p> <p>6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.</p>	
M-091-43	<p>REGARDING: MLLW TREATABILITY GROUP MLLW-07 WASTE AS DEFINED IN THE LDR REPORT WHICH INCLUDES THE MLLW PORTION OF: (1) NEWLY GENERATED RH LOW-LEVEL WASTE; (2) NEWLY GENERATED LARGE CONTAINERS OF CH LOW-LEVEL WASTE; (3) RH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; (4) LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (5) RH OR LARGE CONTAINER CH LOW-LEVEL WASTE FROM RETRIEVAL.</p> <p>THERE WERE 81 CUBIC METERS OF RH-MLLW IN PERMITTED STORAGE AT DOE'S CENTRAL WASTE STORAGE COMPLEX (CWC) AND ELSEWHERE AT HANFORD AS OF 12/31/02 (AS IDENTIFIED IN DOE HFFACO MILESTONE M-26-01 LDR REPORT MLLW TREATABILITY GROUPS MLLW-07) THAT HAS NOT BEEN TREATED TO MEET LDR REQUIREMENTS. DOE'S 2002 LDR REPORT ESTIMATED THAT DOE WOULD GENERATE AN ADDITIONAL YEARLY VOLUME OF 280 CUBIC METERS OF WASTE IN THIS TREATABILITY GROUP. IT WAS ALSO ESTIMATED IN 2002 THAT DOE WOULD RETRIEVE APPROXIMATELY 800 CUBIC METERS BY 2010.</p> <p>PER THE 2005 LDR REPORT, AS OF 12/31/05 THERE WERE APPROXIMATELY 305 CUBIC METERS OF RH AND LARGE CONTAINER MLLW (LDR TREATABILITY GROUP MLLW-07) IN PERMITTED STORAGE. APPROXIMATELY 66 CUBIC METERS OF THE RH AND LARGE CONTAINER MLLW WAS FORECAST TO BE GENERATED BETWEEN 12/31/05 AND 12/31/11. IN ADDITION, APPROXIMATELY 2728 CUBIC METERS OF MLLW-07 WAS EXPECTED TO BE OBTAINED FROM RETRIEVAL BETWEEN 12/31/05 AND 12/31/11.</p> <p>1. DOE SHALL DESIGNATE ALL RH LOW-LEVEL WASTE AND LARGE CONTAINERS OF CH LOW-LEVEL WASTE CURRENTLY IN ABOVE-GROUND PERMITTED STORAGE (AS</p>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIVE TEXT OF THIS MILESTONE</p>



OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY DECEMBER 31, 2008.

2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH LOW-LEVEL WASTE AND NEWLY GENERATED LARGE CONTAINERS OF CH-LOW-LEVEL WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.

3. DOE SHALL BEGIN TREATING RH MLLW AND LARGE CONTAINERS OF CH MLLW TO MEET LDR TREATMENT REQUIREMENTS AT:

- 300 CUBIC METERS BY 6/30/09
- TARGET DATE 300 CUBIC METERS ADDITIONAL BY 6/30/10
- TARGET DATE ANNUAL RATE OF 300 CUBIC METERS BEGINNING NO LATER THAN DATE TO BE DETERMINED PER M-091-45

~~A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN JUNE 30, OF 2008. HOWEVER, TREATMENT MAY BE STARTED EARLY SUCH THAT ANY TREATABILITY GROUP MLLW-07 WASTE TREATED BETWEEN 12/31/02 AND 6/30/09 SHALL COUNT TOWARD ACHIEVING THE FIRST 300 CUBIC METERS OF TREATMENT TO BE COMPLETED BY 6/30/09. IF THERE ARE NOT 300 CUBIC METERS OF RH MLLW AND LARGE CONTAINERS OF CH MLLW IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT THAT IS IN STORAGE. IF RH-MLLW IN THE TREATABILITY GROUPS SUBJECT TO THIS MILESTONE GENERATED DURING THE PERIOD FROM 12/31/02 THROUGH 6/30/09 IS TREATED TO LDR STANDARDS PRIOR TO DELIVERY TO STORAGE OR DISPOSAL, THE ORIGINAL PRE-TREATMENT VOLUME OF THAT WASTE SHALL BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. EXCEPT FOR WASTE ALREADY IN PERMITTED STORAGE AS OF 12/31/02, TREATMENT OF CERCLA WASTE WILL NOT BE COUNTED TOWARD MEETING THE VOLUME REQUIREMENTS OF THIS MILESTONE. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH AND LARGE CONTAINER MLLW ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.~~

4. EACH ELEMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.



M-091-44	<p>REGARDING:(1) NEWLY GENERATED RH TRANSURANIC WASTE; (2) NEWLY GENERATED LARGE CONTAINERS OF CH-TRANSURANIC WASTE; (3) RH TRANSURANIC WASTE CURRENTLY IN ABOVE GROUND STORAGE; 4) LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE-GROUND STORAGE; AND (5) LARGE CONTAINER OR RH TRANSURANIC WASTE FROM RETRIEVAL;</p> <ol style="list-style-type: none"> <li>1. DOE SHALL DESIGNATE ALL RH TRANSURANIC WASTE AND LARGE CONTAINERS OF CH TRANSURANIC WASTE CURRENTLY IN ABOVE- GROUND STORAGE (AS OF JUNE 30, 2003) ACCORDING TO THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100, BY <b>TARGET DATE</b> DECEMBER 31, 2012.</li> <li>2. DOE SHALL DESIGNATE ALL NEWLY GENERATED RH TRANSURANIC WASTE AND LARGE CONTAINERS OF TRANSURANIC WASTE AT THE POINT OF GENERATION. SUCH DESIGNATION SHALL COMPLY WITH THE REQUIREMENTS OF WAC 173-303-070 THROUGH 100.</li> <li>3. DOE SHALL BEGIN TREATING RH TRUM AND LARGE CONTAINERS OF CH TRUM TO MEET LDR TREATMENT REQUIREMENTS AT A MINIMUM RATE OF 300 CUBIC METERS PER YEAR BEGINNING NO LATER THAN <b>TARGET DATE</b> JUNE 30, 2012. IF THERE ARE NOT 300 CUBIC METERS OF RH TRUM AND LARGE CONTAINERS OF CH TRUM IN STORAGE IN ANY GIVEN YEAR, THIS MILESTONE REQUIRES THAT DOE TREAT ONLY THAT AMOUNT THAT IS IN STORAGE. IF ACTUAL VOLUMES OF NEWLY GENERATED OR RETRIEVED RH TRUM AND LARGE CONTAINER TRUM ARE SIGNIFICANTLY MORE THAN THE ESTIMATED VOLUMES, THIS MILESTONE WILL BE REVISED TO REFLECT ACTUAL VOLUMES.</li> <li>4. AS TO NEWLY GENERATED RH TRUM GENERATED AFTER 12/31/18 THAT IS DESIGNATED IN ACCORDANCE WITH WAC 173-303-070 THROUGH -100 AS MIXED AND AS CONTAINING LDR RESTRICTED CONSTITUENTS, DOE SHALL TREAT OR CERTIFY IN LIEU OF TREATMENT TO MEET LDR REQUIREMENTS WITHIN ONE YEAR OF GENERATION.</li> </ol> <p>DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF CH TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP.</p> <ol style="list-style-type: none"> <li>5. DOE MAY CHOOSE TO COMPLETE CERTIFICATION OF RH</li> </ol>	<p>DUE DATES AS INDICATED IN THE DESCRIPTIV E TEXT OF THIS MILESTONE</p>
----------	--	--



AND LARGE CONTAINER TRANSURANIC WASTE FOR DISPOSAL AT WIPP IN LIEU OF LDR TREATMENT, PROVIDED THAT ECOLOGY IS NOTIFIED IN WRITING OF SUCH COMPLETION OF CERTIFICATION, AND ONLY IF, AS OF THE TIME OF CERTIFICATION, SUCH WASTE IS EXEMPT FROM LDR TREATMENT REQUIREMENTS WHEN DISPOSED AT WIPP.

NOTE: THE REQUIREMENTS OF ITEMS 3,4, AND 5 OF THIS MILESTONE APPLY AS SET FORTH IN THE SETTLEMENT BETWEEN THE UNITED STATES AND THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, DATED OCTOBER 23, 2003.

6. EACH REQUIREMENT OF THIS MILESTONE IS CONSIDERED A DISTINCT WORK REQUIREMENT INDEPENDENTLY SUBJECT TO THE ENFORCEMENT PROVISIONS OF THE AGREEMENT.

7. IF DOE CHOOSES TO CERTIFY IN LIEU OF TREATMENT, (PER REQUIREMENTS IN M-91-44 (4)) IT MAY MEET THE VOLUME REQUIREMENTS SPECIFIED IN M-91-44 FOR ANY GIVEN YEAR BY CERTIFYING RH OR LARGE CONTAINER TRU OR RH OR LARGE CONTAINER TRUM. NOTIFICATION OF CERTIFICATION IN LIEU OF TREATMENT WILL BE PROVIDED ANNUALLY AS PART OF THE CERTIFICATION VOLUME COMPLETION LETTER.

M-091-45

THE PARTIES WILL COMPLETE NEGOTIATIONS AND DOE WILL SUBMIT A CHANGE PACKAGE FOR INTERIM MILESTONES TO REPLACE ALL "TO BE DETERMINED" ("TBD") DATES IN M-091-01, M-091-40 PARAGRAPHS 1 AND 3, M-091-42 PARAGRAPHS 2.G AND 5, M-91-43 PARAGRAPH 3; AND A CUBIC METER VOLUME FIGURE TO REPLACE "CUBIC METER VOLUME TO BE DETERMINED" IN M-91-42 PARAGRAPH 4. THESE NEGOTIATIONS WILL ALSO ADDRESS REMAINING M-91-42 "NO PATH" AND TSCA WASTE.

12/31/2009